

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 859 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No.

2. To be referred to the Reporter or not? No.

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3. Whether Their Lordships wish to see the fair copy of the judgement? No.

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No.

5. Whether it is to be circulated to the Civil Judge? No.

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NUTAN KELAVANI MANDAL

Versus

STATE OF GUJARAT

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Appearance:

MR. N.K. Majmudar, Advocate for Petitioner.

MR. N. N, Pandya, Advocate for respondents no.1 & 2.

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 05/07/96

ORAL JUDGEMENT

Heard learned Counsel for the parties.

The petitioner trust applied to respondent no.2 for registration/permission to start a school. Permission has been declined by the Board and the matter was taken in appeal to the State Government, that too has

been dismissed.

The learned Counsel for the petitioner has fairly conceded that the judgment given by the authorities in the matter of registration of this school is not Res Judicata. It is always open to the respondents to consider the matter afresh for subsequent years. Registration was not granted to the petitioner in the year 1983 and thereafter position would have been changed. The learned Counsel for the petitioner is unable to make out a submission also whether subsequently registration to the petitioner has been granted or not. The learned Counsel for the respondents has fairly conceded that in case any application is made it has to be considered in accordance with law and only on the basis of the orders passed earlier which are subject matter of challenge in this Special Civil Application permission will not be declined. This Court has not granted interim relief to the petitioner and this Court will not grant any retrospective registration/permission to the petitioner also. Registration has been declined, the petition could not have run the school

Taking into consideration totality of the facts of the case, no interference is called for in the orders made by respondents no.1 and 2. This Special Civil Application is dismissed. Rule is discharged.

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